

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/14/2025</u>

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WOLFGANG WEISE
:Plaintiff,
:-v-
:U.S. DEPARTMENT OF STATE,
:Defendant.
X

24-cv-5760 (LJL)

MEMORANDUM AND
ORDER-----
LEWIS J. LIMAN, United States District Judge:

Plaintiff Wolfgang Weise applies for the Court to request pro bono counsel. Dkt. No. 23.

The Court has authority to request an attorney to represent a person who is unable to afford counsel. The relevant factors are set forth in *Hodge v. Police Officers*, 802 F.2d 58, 60–62 (2d Cir. 1986), *cert. denied*, 502 U.S. 986 (1991). The Court considers: (1) whether the plaintiff’s position “seems likely to be of substance”; (2) whether the issues presented “might require substantial factual investigation” and “the indigent’s ability to investigate the crucial facts”; (3) “the plaintiff’s apparent ability to present the case” and “whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder”; (4) whether the “case’s factual issues turn on credibility”; (5) whether the legal issues presented are complex; and (6) “any special reason . . . why appointment of counsel would be more likely to lead to a just determination.” *Id.* at 60–62.


This case is at an early stage, and it is not yet known what issues are in dispute. The complaint’s merits have not yet been tested by a motion to dismiss. The Court is not able to make the *Hodge*’s finding in favor of Plaintiff at this time. Accordingly, the motion for appointment of counsel is DENIED without prejudice.

Plaintiff is advised that the Federal Pro Se Legal Assistance Project run by the City Bar Justice Center provides free, limited-scope legal services to self-represented litigants with civil cases in the United States District Court for the Southern District of New York. Information regarding the pro se clinic can be found at <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/> or by calling (212) 626-7383.

The Clerk of Court is respectfully directed to mail a copy of this Order to the self-represented Plaintiff and to close the motion at Dkt. No. 23.

SO ORDERED.

Dated: February 14, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge